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San Bernardino County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report

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Performance Evaluation of the San Bernardino County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of San Bernardino County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for fiscal year (FY) 2006/2007 (FY 2006/07). The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

San Bernardino CAC's pesticide use program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance – Effective

The CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The four full-time biologists and two biologists (perform limited numbers of inspections) that issue permits all possess Pesticide Regulations and Investigation and Environmental Monitoring licenses. The CAC issued 334 agricultural permits, 32 non-agricultural permits, and 119 operator identification numbers (OP IDs) during FY 06/07. The CAC goal is to place even more emphasis during the next permit issuance year in ensuring that permits Information is up-to-date and accurate.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law;
- Permit amendments follow approved procedures.

2) Site Evaluation – Effective

The CAC staff received **1,150** Notices of Intent (NOI) during FY 06/07. The CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC completed **187** pre app site inspection during 06/07 (about 16% of the NOIs – exceeded 5% of the NOIs required by DPR).

The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses;
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent in a timely manner and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections – Effective

The CAC inspections performed during 06/07 was about 7% above the previous year (**1,414** inspections) due to staff completion of DPR/ SPCB training and using computer tablets in the field inspection. The CAC permit inspection procedures were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. All biologists that possess Pesticide Regulations and Investigation and Environmental Monitoring licenses perform inspections. Inspections are performed according to the inspection strategy documented in the CAC's enforcement work plan. Inspections are performed according to DPR policies and procedures; inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations;
- Include appropriate follow-up inspections and procedures.

2) Investigations – Effective

The CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigated a total of approximately **35** DPR Worker Health and Safety (WH&S)-assigned investigations and other complaints during FY 06/07. All complaints and their reports are completed in a timely manner. The CAC refers and notifies DPR and other agencies, as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidences according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response: – Effective

The CAC enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC took **99** Agricultural Civil Penalty (ACP) actions and **27** Structural (SCP) actions in FY 06/07.

The CAC's enforcement program was found to:

- Initiate appropriate action when violations are identified;
- Sufficiently support compliance, enforcement, and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action, or when initiating a private applicator certification or registration refusal/revocation.

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities

Outreach and Training

- San Bernardino CAC performed various outreach and training sessions throughout the year to growers and pesticide applicators. Annually, they meet with pest control businesses to reiterate proper application methods and worker health and safety requirements.
- San Bernardino CAC is a proactive information resource through stressing label requirements to homeowners and distributors of DPR compliance information.